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Letter dated 30 October 2008 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you information on the position of the Republic of Uzbekistan on the issue of rational use of water resources in Central Asia (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 49.

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 30 October 2008 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Position of the Republic of Uzbekistan on the rational use of water resources in Central Asia

The rational use of natural resources, especially water and energy resources, is one of the most serious issues facing Central Asia today.

Diverging or ambiguous approaches to this issue hamper development, create situations of conflict and can result in ecological disaster. One example would be the Aral sea, the drying-up of which has tragic consequences not only for the peoples of Central Asia, but for the entire subregion and even for the whole of Eurasia.

The drying-up of the Aral sea destroyed the very basis for life in the Aral basin, leading to a chronic shortage of water for irrigation and drinking purposes. Salt and dust storms forming on the surface of the exposed seabed are destroying crops and vegetation. The result has been huge economic losses for the fishing and hunting industries, as well as lower yields from pastures and cultivated crops.

Addressing the forty-eighth and fiftieth sessions of the General Assembly, the President of the Republic of Uzbekistan, Islam Karimov, noted that the Aral crisis represented one of the largest ecological and humanitarian disasters in the history of humanity, affecting tens of millions of people living in the Aral sea basin.

The water resources of the Aral sea basin consist of renewable surface and ground water of natural origin, as well as reused wastewater from industrial activities. All the water resources of the region merge in the basins of the Syrdarya and Amudarya rivers.

In the event of a change in the current state of water resources from transboundary sources, the Central Asian counties, with over 50 million inhabitants, could face an even greater environmental disaster, including problems in providing the populations and agricultural sectors of the countries of the region with drinking and irrigation water, and widespread drought with all its consequences.

No decision on the use of watercourses of transboundary rivers, including decisions to construct hydroelectric facilities, should in any way be allowed to disrupt the environment or the interests of the populations of neighbouring territories. At stake are the use of resources and watercourses of transboundary rivers which have met the vital needs of States and peoples living along these rivers for centuries.

Rational use of resources of transboundary rivers is regulated by the United Nations Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 17 March 1992 and the Convention on the Law of the Non-navigational Uses of International Watercourses of 21 May 1997, which require States "to ensure that transboundary waters are used

in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact".

Where harm is caused, all measures should be taken to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

The United Nations instruments emphasize that "Watercourse States shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit and good faith".

Pursuant to these basic requirements of the United Nations Conventions, assurances should be obtained from authoritative international experts that the construction of hydroelectric facilities in the region will not result in irreparable ecological consequences and will not affect the existing balance in the use of watercourses of transboundary rivers by all basin States. The technical and economic feasibility of new hydraulic facilities in the basins of transboundary rivers should be subject to mandatory assessment by neutral international audit bodies.

The World Bank and the Asian Development Bank agree on these principles. Uzbekistan, for its part, expresses the hope that the position adopted by such eminently authoritative international financial institutions will serve as an example to other organizations and States, thereby ultimately strengthening the socio-economic security and stability of the region.

Countries wishing to invest in such projects should also be mindful of the need to comply with these requirements.

In making its position known, Uzbekistan does not claim special rights for priority use of the water resources of transboundary rivers. Uzbekistan's position on this issue not only fully reflects international legal norms; it also, significantly, derives from them.

Each country has the right to implement projects involving the use of the resources of transboundary rivers, including the construction of hydraulic facilities, with the proviso that in-depth independent technical, economic and ecological feasibility studies are carried out based on the principles of openness and full transparency between the parties concerned.

In addition, two crucial conditions should be met. First, there should be no decrease in watercourse levels for countries located downstream. Second, the already highly unstable ecological security of the region should not be further compromised.

Uzbekistan, for its part, will continue to adopt consistent measures to ensure a balance of water and energy resources in the region with a view to preserving peace and stability and strengthening security in Central Asia.